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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jeffrey D. Messerly

Atty Dkt. Ref.: END-736

Serial No.: 09/826,070

Group Art Unit: 3731

Filed: April 4, 2001

Examiner: Paul Roberts

Title: **BLADES WITH FUNCTIONAL BALANCE ASYMMETRIES FOR USE WITH
ULTRASONIC SURGICAL INSTRUMENTS**

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Mail Stop Petition, Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450 on:

August 18, 2005

(Date)

Verne E. Kreger, Jr.

Name of person signing, applicant, assignee, or Registered Representative

Verne E. Kreger, Jr.

(Signature)

08/24/2005 EFLORES 00000060 100750 09826070

August 18, 2005

01 FC:1453 1500.00 DA

(Date of Signature)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR §1.137(b)

Dear Sir:

Applicants respectfully submits that the entire delay in filing the required reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional and petition for the revival of the above-identified application.

The undersigned attorney for the Applicants became aware that the above-referenced application was abandoned on Tuesday, August 16, 2005. Below are facts pertinent to the unintentional abandonment.

Petition to Revive

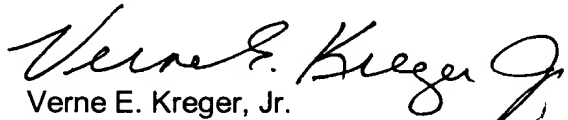
s/n 09/826,070

1. The undersigned is the attorney of record in this application.
2. The USPTO issued a Notice of Allowance in this application on May 13, 2005.
3. The Issue Fee Payment action was properly docketed for August 13, 2005 on the Johnson & Johnson master docket for the undersigned.
4. The undersigned does not have a personal docketing system and relies on the Johnson & Johnson central docketing system for notice of actions due, such as Issue Fee payments.
5. On or about June 27, 2005, Johnson & Johnson performed a Notice of Allowance review that determined that references cited in applications related to the present application had not yet been considered by the Examiner in the present application.
6. On August 2, 2005, during a weekly docket review between the undersigned and Linda Hansen, the administrative assistant of the undersigned, discussed preparing an RCE for the present application for the purposes of submitting an supplemental information disclosure statement.
7. On August 2, 2005, Linda Hansen sent an e-mail transmission to the Johnson & Johnson central docket system informing the docketing function that the Issue Fee should not be paid in favor of filing an RCE in order to present the references as noted in item 4, above, to the Examiner. A copy of the e-mail is attached hereto as Exhibit A.
8. Sometime between August 2, 2005 and August 9, 2005, the docket entry for the Issue Fee Payment due on August 13, 2005 was removed from the docket of the undersigned.
9. Therefore, during a weekly docket review on August 11, 2005 between the undersigned and Linda Hansen, the due date for the RCE in the present case was not docketed, and the due date for the RCE was overlooked.
10. It was not until the weekly docket review on August 16, 2005 that the undersigned realized that the due date for filing the RCE was missed.
11. This petition to revive is being timely filed as a result of such notification.
12. The completed RCE is enclosed with this Petition.

A terminal disclaimer is not required since the application was filed after June 8, 1995.

The Commissioner is hereby authorized to charge the petition fee of \$ 1,500.00 (1.17m), and any additional fees, which may be required, to Account No. 10-0750/END-736/VEK.

Respectfully submitted,



Verne E. Kreger, Jr.
Attorney for the Applicant
Reg. No. 35,231

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(513) 337-3295
DATED: August 18, 2005